

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BRIAN COPELAND,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:09CV310 CDP
)	
KRAMER & FRANK, P.C.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on defendant's motion for leave to contact juror. Defendant seeks leave to contact a juror because it believes that this juror did not provide complete responses in voir dire and, had she done so, her responses would have provided a basis for excluding her from the jury for cause. Plaintiff objects to the motion to the extent that defendant seeks leave to contact the juror outside the presence of the Court. Defendant also moves for a new trial on the same ground.

I will deny the motion for leave to contact the juror, but I believe defendant has presented enough evidence on the issue of potential juror misconduct to entitle it to an evidentiary hearing in support of its motion for new trial. See United States v. Tucker, 137 F.3d 1016, 1026 (8th Cir. 1998). I will set the hearing for October 7, 2010 at 3:00 p.m. in Courtroom 14-South. The hearing will involve only the issue of potential juror misconduct. The Clerk of the Court will request the juror's appearance at this hearing by letter, a copy of which will be provided to all attorneys of record. The Court will question the juror. In advance of the hearing, both counsel should file any questions they believe should be asked of the juror. No argument on the motion

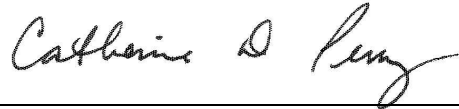
for new trial will be made in the presence of the juror, and the Court may impose additional limitations on the scope of the hearing if necessary to avoid potential embarrassment or harassment of the juror.

Accordingly,

IT IS HEREBY ORDERED that the motion to contact juror [#103] is denied.

IT IS HEREBY ORDERED that defendant's motion for new trial [#108] is set for evidentiary hearing as set forth above on **October 7, 2010 at 3:00 p.m. in Courtroom 14-South.**

IT IS FURTHER ORDERED that no later than **October 1, 2010** the parties must file any questions they believe should be asked of the juror at the hearing.

A handwritten signature in cursive script, reading "Catherine D. Perry", written in black ink.

CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 14th day of September, 2010.